IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Civil Writ Petition No.1179 of 2002.

Date of decision: 16.05.2007.

Gayatri Devi ….**Petitioner**

Versus

State of H.P. and others ……**Respondents.**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

Whether approved for reporting?[1]

For the Petitioner: **Mr.Ramakant Sharma, Advocate.**

For Respondent No.1: **Mr.M.S. Chandel, Advocate General with Mr.Rajan Dewan, Additional Advocate General.**

Dev Darshan Sud, J. (Oral).

This writ petition has been filed by the petitioner against the award of the learned Labour Court dismissing the reference petition which was preferred under Section 10 of the Industrial Disputes Act.

When this matter was taken up for hearing, learned counsel appearing for the petitioner drew my attention to Annexure P-4, which is an application which was filed before the learned Labour Court stating that more than ten female workers, who had been appointed on the same terms and condition as the petitioner was appointed, had been retained in service but the

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[1] ***Whether reports of Local Papers may be allowed to see the judgment?***

petitioner had been refused appointment and her services were terminated without justification.

I have heard learned counsel for the petitioner.

It was the duty of the learned Labour Court to have taken into account the facts stated in this application and to have passed appropriate orders that is to say to have taken this application on record and to have granted opportunity to the petitioner to lead evidence to establish her case. I find that the learned Labour Court has not at all considered this aspect. Under these circumstances, this writ petition is allowed. The matter is remanded to the learned Labour Court with the direction that the application filed in the writ petition (Annexure P-4) which according to the learned counsel for the petitioner is on the record of the learned Labour Court be decided. Parties be given an opportunity to lead evidence in the matter. The petitioner will appear before the learned Labour Court on ***30.5.2007,*** and actual date notices will be issued to the respondents. The reference was instituted in the year 1997. It is directed that the learned Labour Court will decide the entire matter within a period of six months from today. The writ petition is disposed of in these terms. There shall be no order as to costs.

Dasti copy on usual terms.

May 16, 2007 **(Dev Darshan Sud)**
(aks) **Judge.**